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In re Application of:
BARROW, Colin, James
U.S. Application No.: 10/575,204
PCT Application No.: PCT/IB2006/001526
International Filing Date: 26 January 2006
Priority Date: 27 January 2005
Attorney's Docket No.: 15113.0007U2
For: CHROMIUM-FATTY ACID
COMPOUNDS AND METHODS OF
MAKING AND USING THEREOF

DECISION ON PETITION
(37 CFR 1.182)

This decision is issued in response to applicants' "Petition Under 37 CFR 1.182 To Change International Application Number" filed 07 March 2008. The petition seeks to correct the international application number so as to allow the national stage materials filed herein to be treated as the U.S. national stage of PCT/IB2006/001526. Deposit Account No. 14-0629 will be charged the required \$400 petition fee.

BACKGROUND

On 26 January 2006, applicants filed international application PCT/IB2006/001526. The international application claimed a priority date of 27 January 2005, and it designated the United States. On 19 October 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 27 July 2007.

On 10 April 2006, applicants filed papers to initiate a U.S. national stage application. This submission included a Transmittal Letter (Form PTO-1390), a preliminary amendment, and payment of fees (including the basic national fee).

The Transmittal Letter and preliminary amendment filed 10 April 2006 both identified the international application number as PCT/US06/02784. Accordingly, the present application file was established as the U.S. national stage of PCT/US06/02784.

On 16 January 2007, applicants filed an Information Disclosure Sheet (IDS), with accompanying references. The IDS filed 16 January 2007 identified the international application number as PCT/IB06/001526.

On 22 January 2007, applicants filed a supplemental IDS that also identified the international application number as PCT/IB06/001526.

On 16 July 2007, applicants filed a status request.

On 15 October 2007, applicants filed a second supplemental IDS that identified the international application number as PCT/IB06/001526.

On 07 March 2008, applicants filed the petition under 37 CFR 1.182 considered herein. The petition seeks to correct the erroneous listing of the international application number in the original national stage papers so that the present application can be treated the U.S. national stage of PCT/IB2006/001526.

DISCUSSION

As noted above, the Transmittal Letter and preliminary amendment filed 10 April 2006 incorrectly identified the international application to which the submission was directed as PCT/US06/02784. Based on this error, the present application was treated as the U.S. national stage of the listed application, that is, PCT/US06/02784. Correction of this error is required before the materials filed herein can be treated as having been directed to international application PCT/IB2006/001526, as necessary to avoid abandonment of such international application with respect to the United States.

A grantable petition to correct the international application number so as to avoid abandonment requires the following: payment of the petition fee; a statement confirming the correct international application number; and the inclusion of the correct international application somewhere in the filed application papers prior to the date of abandonment (that is, prior to the expiration of thirty months from the priority date). Here, applicants have provided the required petition fee, and the petition includes the required confirmation that the correct international application is PCT/IB2006/001526. In addition, the correct international application number was set forth on the IDS filed 16 January 2007 and the supplemental IDS filed 22 January 2007, both of which were filed before the expiration of thirty months from the priority date. Accordingly, the requirement that the applicants provide the correct international application number prior to abandonment is satisfied here.

Based on the above, the present submission satisfies the requirements for a grantable petition to correct the errors in the national stage materials filed herein so as to permit the present application to be treated as the U.S. national stage of international application PCT/IB2006/001526. The materials filed herein, including the basic national fee, are treated as having been directed to PCT/IB2006/001526 as of 16 January 2007, the first date on which a document identifying the correct international application number was filed herein. It is noted that this date is prior the expiration of thirty months from the application's priority date.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

Deposit Account No. 14-0629 will be charged the required \$400 petition fee.

The present application is treated as the U.S. national stage of international application PCT/IB2006/001526.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including updating USPTO records to indicate that the present application is the U.S. national stage of PCT/IB2006/001526, and for the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905). It is noted that a declaration in compliance with 37 CFR 1.497 has not been filed herein.



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